S.B.CRIMINAL MISC. BAIL APPLICATION NO. 5966/2007
(Succha Singh Vs. State of Rajasthan)

DATE OF ORDER : 10/12/2007

HON'BLE MR.H.R.PANWAR, J.

Mr. Devendra Singh Dev for the petitioner.
Mr. Ashok Upadhayay, Public Prosecutor for State.

Heard learned counsel for the petitioner and Public Prosecutor for the State. Perused the order impugned and police investigation diary.

It is contended by learned counsel for the petitioner that the petitioner's father Arjun Singh left behind his legal heirs Suchha Singh the present petitioner, Pyarasingh, Niranjan Singh and Charan Kaur, three sons and one daughter. The petitioner's father had 9 bighas of land at Dabli, Rajasthan and 67 Kanal at Sultanpur, Punjab. Pyarasingh and Charan Kaur relinquished their share in the land situated at Rajasthan in favour of the petitioner and the petitioner relinquished his share in favour of Pyarasingh and Charan Kaur in the land situated at Punjab. Thereafter, a revenue suit was filed and in that the parties have compromised the matter. The grievance of the first informant is that he was not impleaded as party in the suit before Revenue Court. However, on an appeal, the order of the Revenue court has been set aside and the matter has been remanded by impleading Niranjan Singh as one of the party.

Looking to the facts and circumstances of the case and since the matter is subjudice before the revenue court and the parties' rights are yet to be decided in the revenue Court, having considered the oral arguments advanced by both the parties, without commenting on the merit of the case, I consider it just

and proper to allow the bail application filed by the petitioner under Section 438 Cr.P.C.

Accordingly, the bail application filed by the petitioner u/s 438 Cr.P.C. is allowed and it is directed that in the event of arrest of petitioner Succha Singh S/o Arjun Singh in FIR No. 336/2007 P.S. Tibi, he shall be released on bail for a period till the police concludes the investigation and files the challan provided he furnishes a personal bond in the sum of Rs.10,000/- alongwith one surety of like amount to the satisfaction of Investigating Officer to surrender and appear before the trial court on the date of filing of the challan after conclusion of the investigation on the following conditions:-

(i)That he shall make himself available for interrogation by a police officer as and when required;

(ii)That he shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer and;

(iii)That he shall not leave India without the previous permission of the Court.

The petitioner shall surrender before the trial court on the date of filing of the challan and move a regular bail.

(H.R.PANWAR), J.

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